UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,048	03/22/2000	Jay H. Connelly	042390.P8387	8359

7590 05/05/2004	EXAMINER
James Y Go	BARQADLE, YASIN M
Blakely Sokoloff Taylor and Zafman LLP	

ART UNIT	PAPER NUMBER
2153	

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DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) *8,20 and 24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-19,21-23 and 25-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   Applicant's arguments filed on October 6, 2003 have been
considered and are deemed persuasive. However, they are moot in
view of the new ground(s) of rejection.

- Claims 8, 20 and 24 are previously cancelled.

- Claims 1-7, 9-19, 21-23 and 25-30 are presented for
  examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms
the basis for all obviousness rejections set forth in this Office
action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2.   Claims 1-7, 9-19, 21-23 and 25-30 are rejected under 35
U.S.C. 103(a) as being unpatentable over David et al, hereafter
``David'' (6449632) in view of Barton et al (6490722).

As per claim 1, 11 and 15, David teaches a method, apparatus and a
machine readable-medium, comprising:

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2.   Claims 1-7, 9-19,21-23 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al, hereafter ``David'' (6449632) in view of Barton et al (6490722).

As per claim 1,11 and 15, David teaches a method, apparatus and a machine readable-medium, comprising:

receiving meta-data broadcast by a server system (Broadcast center 120) at a client system (user stations 100 and col. 6, lines 24-28), the meta-data including a plurality of data files to be broadcast later by the server system [fig. 3 and col. 7, lines 38-67 and col.10, lines 34-65];

generating ratings for each of the plurality of data files via the client system based on existing attribute rating data stored by the client system and common attributes contained in the meta-data for that data file [fig. 3; Col. 7, lines 50 to Col. 8, line 2 and col.10, lines 34-65];

selecting, via the client system, one or more of the plurality of data files described by the meta-data to store based on the ratings generated for the plurality of the files [user elects/selects to receive broadcast items matching certain criteria deemed to be of interest to the user col. 7, lines 38-67]; and

selectively storing, by via the client system, the selected one or more of the plurality of data files in response to a later broadcast of those data files by the server system [Col. 7, lines 50 to Col. 8, line 2].

Although David et al shows substantial features of the claimed invention, he does not explicitly meta-data including attributes describing the content of respective data files

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by David et al, as evidenced by Barton et al USPN. (6490722).

In analogous art, Barton et al whose invention includes a
television viewing information transmission and collection system
that improves the ability of the individual viewer to select
television programs, disclose a meta-data including attributes
describing the content of respective data files [Col. 5, lines
24-37 and col. 14, lines 60 to col. 15, line 27].

Giving the teaching of Barton et al, a person of ordinary skill
in the art would have readily recognized the desirability and the
advantage of modifying David et al by employing the system of
Barton et al for the advantage of including a wealth of
information about each particular program such as title,
description, actors, rating so that individual attribute may
result in the generation of a preference object [Col. 17, lines
29-47].

Barton further teaches generating ratings (col. 25, lines 7-15)
and storing selected files (col. 15, lines 49 to col. 16, line
16].

As per claims 6, David teaches the invention wherein the
plurality of data files comprise at least one of video
information, graphical information, audio information, multi
media information or textual information [Col. 10, line 34-52].

As per claim 7,19 and 23, David teaches a method and apparatus
and a machine readable-medium, comprising:

broadcasting meta-data to one or more client systems (user

stations 100), the meta-data including a plurality of data files

to be broadcast later by the server system [Fig. 3 and col. 7,

lines 38-49 and col.10, lines 34-65]; and

broadcasting a meta-data broadcast schedule prior to

broadcasting the metadata, the meta-data broadcast schedule to

indicate a time when the meta-data is to be subsequently

broadcast [user selects an item matching certain criteria, or an

item broadcast at a particular time col. 6, lines 24-36 and col.

7, lines 38-64].

As for the metadata including attribute data describing the

content of respective data files see the rejection made on claims

1, 11 and 15 above.

As per claims 9, 21 and 25, Barton et al teaches the invention

further comprising broadcasting a data file broadcast schedule to

indicate a time when each one of the plurality of data files is

to be broadcast later [col. 14, lines 52-65 and col. 16, lines

53-62].

As per claims 10,14,18,22 and 26, David teaches the invention

wherein the plurality of data files comprise at least one of

video information, graphical information, audio information,

multi media information or textual information [Col. 4, line 55-

64].

As per claim 27, David teaches a system, comprising:

a broadcast server [Fig. 1, 120 and 160];

one or more client systems coupled to the broadcast server [Fig. 1, user stations 100];

wherein the broadcast server is coupled to broadcast meta-data to the one or more client systems [col. 6, lines 24-28), the meta-data including a plurality of data files to be broadcast later by the server system [fig. 3 shows a profile depicted as a tree, col. 7, lines 38-49 and col.10, lines 34-65]

wherein each client system is coupled to generate ratings for each of the plurality of data files based on existing attribute ratings data stored by the client system and common attributes contained in the meta-data for that data file and to select one or more of the plurality of data files to store based on the ratings generated for the plurality of data files [Fig. 3 ; Col. 7, lines 50 to Col. 8, line 2 and col.10 ,lines 34-65];

wherein the broadcast system is further coupled to broadcast the plurality of data files [col. 6, lines 24-43 and col.10 , lines 34-65];

wherein each client system is coupled to selectively store the selected one or more of the plurality of data files broadcast by the server system [Col. 7, lines 50 to Col. 8, line 2].

As for the metadata including attribute data describing the content of respective data files see the rejection made on claims 1, 11 and 15 above.

As per claim 28, David teaches a system of wherein the one or more client systems coupled to the broadcast server through a network [Fig. 1].

As per claim 29, David teaches system wherein the one or more client systems coupled to the broadcast server through a radio transmission through the atmosphere [Fig. 1 and col. 6, lines 10-36].

As per claim 30, David teaches system wherein communications between the one or more client systems and the broadcast server are uni-directional [Fig. 1 and col. 6, lines 10-36]].

3.   Claims 2-5 and 12,13,16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over David et al (6449632) over David et al, hereafter ``David'' (6449632) in view of Barton et al (6490722) and further in view of Tomita et al USPGPUB (20010013127).

As per claim 2, David and Barton et al teach the claimed invention as explained above. David and Barton et al doe not teach explicitly activating a client system. However, Tomita et al whose invention is about a device for sending broadcast-program information to a plurality of terminal devices via a network, teach a system that activates a client device to

display the listing of received broadcast programs [paragraphs 0011-0012].

Giving the teaching of Tomita et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying David and Barton et al by employing the system of Tomita in order to receive and display the listings of broadcast programs on display screens of the terminal devices automatically [paragraph 0007]

As per claim 3, David teaches the method of claim 2 further comprising receiving a meta-data broadcast schedule broadcast by the server [col. 6, lines 24-28 and Col. 7, lines 50 to Col. 8, line 2], while Tomita et al teach the client system activated in response to the meta-data broadcast schedule to receive the meta-data broadcast [paragraphs 0011-0012].

As per claim 4, Tomita et al teach the method further comprising activating a client system prior to a broadcast time of each one of the selected one or more of the plurality of data files broadcast by the server system [paragraphs 0009-0013].

As per claim 5, Tomita et al teach the method comprising receiving a broadcast schedule of the plurality of data files broadcast by the server, the client system activated in response to the broadcast schedule of the plurality of data files prior to the broadcast of each one of the selected one or more of the

plurality of data files by the server system [paragraphs 0009-0013].

As per claim 12 and 16, David teaches the system wherein the processor is further caused to receive a meta-data broadcast schedule broadcast by the server [col. 6, lines 24-28 and Col. 7, lines 50 to Col. 8, line 2]; and

As per the limitation to activate the apparatus in response to the meta-data broadcast schedule prior to the meta-data broadcast [see the rejection on claims 2 and 3 above].

As per claims 13 and 17, David teaches the system wherein the processor is further caused to receive a broadcast schedule of the plurality of data files broadcast by the server [col. 6, lines 24-28 and Col. 7, lines 50 to Col. 8, line 2]; and

As to the limitation of activating the apparatus in response to the broadcast schedule of the plurality of data files prior to the broadcast of each one of the selected one or more of the plurality of data files by the server system [see the rejection on claims 2 and 4 above].

Conclusion

4.   The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle

Art Unit 2153

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